

**RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD OF THE
BOROUGH OF WOODBURY HEIGHTS
2016-8**

WHEREAS American Commercial Development, LLC (Richard Regan) has applied to the Planning Board of Borough of Woodbury Heights seeking waiver of formal site plan review to establish a Starbucks Store; and

WHEREAS, the property in question is located on Marica Pike, Block 40.00, Lot 10 in an R1 zoning; and

WHEREAS, the Borough of Woodbury Heights Planning Board has the right to exercise to the same extent and subject to the same restrictions, all the powers of the Zoning Board of Adjustment; and

WHEREAS, the Borough of Woodbury Heights Planning Board has had an opportunity to review the application for American Commercial Development, LLC (Richard Regan) seeking waiver of formal site plan review to establish a Starbucks Store and a hearing having been held thereon.

WHEREAS, the Borough of Woodbury Heights Planning Board has made the following factual findings:

1. Patrick P. McAndrew, Esquire appeared on behalf of the applicant. The property in question consists of approximately 10 acres and is fully developed with an 1,125 square foot building presently utilized as a Susters Ice Cream Store. The applicant proposes establishing a Starbucks Coffee Store in the building at the site. The use is a permitted use. The only site change proposed by the applicant is an addition to the existing building of approximately 750 square feet.

2. The Board considered a report prepared by the Planning Board's Professional Planner, Tiffany A. Cavallio, PP as well as comments by the Planning Board Engineer, Mark E. Brunener, PE, CME. All proposed changes to the building will be within the existing curb line and will conform to all setback requirements. The applicant proposes 62 seats requiring 14 parking spaces. There are 15 parking spaces immediately surrounding the building with additional parking nearby. Outdoor seating on a seasonal basis will continue.

3. Final plans will need to address the lay out of handicapped ramps and how that may affect the entrances, crosswalks and outdoor seating. The applicant agreed that if any proposed signage does not comply with local ordinance that he will be required to return to the Board for approval.

1. The Board determined that waiver of formal site plan review and approval is appropriate for the proposed change in use as there will be minimal changes to the site with no variances or waivers required.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Woodbury Heights that the application of American Commercial Development, LLC, Richard Kagan, seeking waiver of formal site plan review to establish a Starbucks Store is hereby granted subject to the following conditions:

1. The applicant shall obtain any other applicable governmental approval which the applicant is required to obtain from any Federal, State, County or local Governmental Agency or body.

2. The applicant will satisfy all outstanding fees and escrows prior to the granting of construction permits or issuance of a Certificate of Occupancy.

3. The applicant will submit signs for approval. In the event they do so comply with ordinance requirements, application will be made to the Planning Board for approval.

4. Final plans will be submitted to the Board Professionals showing the lay out of handicapped ramps, crosswalks and outdoor seating with the understanding that the number of seats and square footage of the addition will not increase.

5. The Board authorizes its Board Professionals to administratively address any site issues proposed in the final plans they may in their discretion require the applicant to return to the Board for further review.

Adopted at a regular meeting of the Borough of Woodbury Heights Planning Board on June 6, 2016.

PLANNING BOARD OF THE BOROUGH
OF WOODBURY HEIGHTS

HARRY W. ELIOT, CHAIRMAN

ATTEST:

SHANKON ELIOT, SECRETARY